



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.01.2022

WEB COPY

CORAM:

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.25962 of 2021

Adil Basha

.. Petitioner

Vs.

State Rep.by
Inspector of Police
Anaicut Police Station,
Chengalpet District.
Crime No.274 of 2021

...Respondent

Prayer: Criminal Original Petition filed under Section 438 of Cr.P.C., praying to enlarge the petitioner on anticipatory bail in the event of arrest of the petitioner by the respondent in Crime No.274 of 2021 on the file of the respondent Police.

For Petitioner : Mr.B.Devakumar

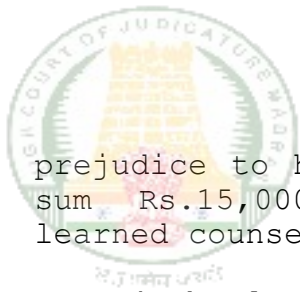
For Respondent : Mr.N.S.Suganthan,
Government Advocate (Crl.Side)

ORDER

The petitioner, who apprehends arrest at the hands of the respondent police for the alleged offences punishable under Section 294(b), 306, 352, 354-C, 406, 506(i) and 511 of IPC r/w Section 4 of TNPHW Act in Crime No.274 of 2021, on the file of the respondent police, seeks anticipatory bail.

2.The case of the prosecution is that the petitioner had taken the obscene videos of the defacto complainant in his mobile phone and criminally intimidated her by uploading the same in the social media and also informed the same to his relations, due to which, the defacto complainant has attempted to commit suicide and she was hospitalized and discharged from the hospital. Hence, the complaint.

3.The learned counsel appearing for the petitioner submits that the petitioner has not been committed any such offence as alleged by the prosecution and he has been falsely implicated in this case. However, on instructions, he submits that the petitioner without



prejudice to his rights, on his own volition, is ready to deposit a sum Rs.15,000/- to the credit of Crime No.274 of 2021. Hence, the learned counsel prays to grant anticipatory bail to the petitioner.

4. The learned Government Advocate (Crl.Side) submits that victim is still alive and discharged from the hospital. He further submits that the co-accused were already released on bail by the Sessions Court, Chengalpattu in Crl.MP.6098 of 2021 dated 03.12.2021.

5. Considering the fact that the injured has discharged from the hospital and the co-accused were released on bail and also the fact that the petitioner is ready to deposit a sum of Rs.15,000/- to the credit of Crime No.274 of 2021, this Court is inclined to grant anticipatory bail to the petitioner.

6. Accordingly, the petitioner is ordered to be released on bail in the event of arrest or on his appearance, within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier, before the learned Judicial Magistrate, Cheyyur on condition that the petitioner shall execute a bonds for a sum of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties each for a like sum to the satisfaction of the respondent police or the police officer who intends to arrest or to the satisfaction of the learned Magistrate concerned and on further condition that:

[a] the petitioner is directed to deposit a sum of Rs.15,000/- (Rupees Fifteen Thousand only) to the credit of Crime No.274 of 2021 before the concerned Magistrate within a period of fifteen (15) days after lifting of lockdown or the commencement of the Court's normal functioning whichever is earlier and on such deposit, the defacto complainant is permitted to withdraw the said deposit amount of Rs.10,000/- on proper identification and acknowledgment;

[b] the petitioner and the sureties shall affix their photographs and left thumb impression in the surety bond and the Court concerned may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;

[c] the petitioner shall report before the respondent police on Wednesday at 10.30a.m for a period of four weeks and thereafter as and when required for an interrogation and the petitioner shall surrender his mobile phone to the concerned Investigation Officer and file an undertaking affidavit in which the petitioner shall not upload the photos or videos of the victim;

[d] the petitioner shall not tamper with evidence or witness either during investigation or trial;



[e] the petitioner shall not abscond either during investigation or trial;

[f] on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions has been imposed and the petitioner is released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala* [(2005) AIR SCW 5560]; and;

[g] if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC;

-sd/-

07/01/2022

This order, on being produced, be punctually observed and carried into execution by all concerned

TRUE COPY

Sub-Assistant Registrar (Statistics/C.S.)
High Court, Madras - 600 104.

TO

1 THE JUDICIAL MAGISTRATE,
CHEYYUR.

2 THE CHIEF JUDICIAL MAGISTRATE
CHENGALPATTU [FOR INFORMATION]

3 THE INSPECTOR OF POLICE,
ANAICUT POLICE STATION,
CHENGELPET DISTRICT.

4 THE PUBLIC PROSECUTOR
HIGH COURT, MADRAS.

+1CC to M/S.B.DEVAKUMAR Advocate on payment of necessary charges SR.No.358

CRL OP.25962/2021

Date :07/01/2022

CSK 20/01/2022